

**State of California
Office of Administrative Law**

In re:
Department of Social Services

Regulatory Action:

Title MPP, California Code of Regulations

Amend sections: 44-316, 44-350

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

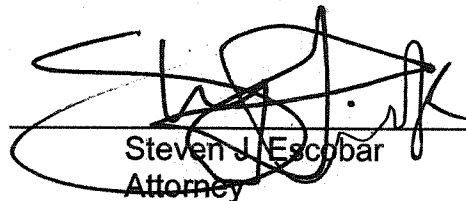
OAL Matter Number: 2018-0516-05S

OAL Matter Type: Regular (S)

This regular rulemaking by the Department of Social Services incorporates amendments to Health and Safety Code sections 11265.3 and 11265.47 made in Assembly Bill No. 2062 (2015-2016 Reg. Sess.). The amendments to these two statutes prohibit the county from assessing an overpayment for the month following a change in income for a recipient of the California Work Opportunity and Responsibility to Kids ("CalWORKs") program, or following a change in household composition for a CalWORKs assistance unit that does not include an eligible adult, if the recipient has reported the change and the county was unable, before the first of the month following the change in income or household composition, to provide 10 days' notice of the termination or reduction in benefits.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2018.

Date: June 25, 2018


Steven J. Escobar
Attorney

Original: Will Lightbourne, Director
Copy: Kenneth Jennings

For: Debra M. Cornez
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0111-01	REGULATORY ACTION NUMBER 2018-0516-055	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 25 2018

1:59 pm

2018 MAY 16 P 12:14
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (if any)
ORD #0717-18

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Income or Household Composition Reporting	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 44-316, 44-350
	REPEAL
TITLE(S) MPP	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) July 1, 2018
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Kenneth Jennings	TELEPHONE NUMBER (916) 651-8862	FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) kenneth.jennings@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5/11/18
TYPED NAME AND TITLE OF SIGNATORY PETE CERVINKA, Chief Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 25 2018

Office of Administrative Law

per agency request
JC 6/19/2018

Amend Section 44-316 to read:

**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
GRANT DETERMINATIONS AND COUNTY ACTIONS**

44-316

.1 through .3 (Continued)

(SAR) .31 Recipient Mid-Period Voluntary Reports

(SAR) (Continued)

(SAR) (Continued)

(AR/CO) .31 (Continued)

(AR/CO) (Continued)

(AR/CO) (Continued)

(SAR) .311 When a voluntary report is made by the recipient regarding changes in income and/or circumstances during the SAR Payment Period, the county must request verification in writing, allowing 10 days.

(SAR) (a) through (SAR) (c) (Continued)

(SAR) (d) If the recipient reported the change in income over the Income Reporting Threshold (IRT) for the first through fifth months of a current semiannual reporting period and the county was unable, before the first of the month following the change, to provide 10-day notice of the termination or reduction of benefits, the county shall not assess an overpayment for the month following the change.

(AR/CO) .311 When a voluntary report is made by the recipient regarding changes in income and/or circumstances during the AR/CO Payment Period, the county must request verification in writing, allowing 10 days.

(AR/CO) (a) Through (AR/CO) (c) (Continued)

(AR/CO) (d) If the recipient reported the change in income over the IRT or household composition for an AU that does not include an eligible adult for the first through fifth months of a current semiannual reporting period and the county was unable, before the first of the month following the change, to provide 10-day notice of the termination or reduction of benefits, the county shall not assess an overpayment for the month following the change.

.312 through .331 (Continued)

Note: Authority cited: Sections 10553, and 10554, and 11369, Welfare and Institutions Code; and Assembly Bill 2062 (Chapter 795, Statutes of 2016, Section 3).

Reference: Section 10063, 11251.3, 11265, 11265.1, 11265.2, 11265.3, 11265.45, 11265.47, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 44-350 to read:

44-350 OVERPAYMENTS -- GENERAL

44-350

.1 Through .4 (Continued)

.5 Overpayments Due to the Inability to Provide Ten-Day Notice of Adverse Action

(SAR) .51 An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAR 7, the SAWS 2, or mandatory mid-period reports of income over the IRT.

(SAR) .52 An overpayment shall not be assessed for the month following a change in income over the IRT for the first through fifth months of a current semiannual reporting period if the recipient has reported the change and the county was unable, before the first of the month following the change, to provide 10-day notice of the termination or reduction of benefits.

(AR/CO) .51 An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAWS 2, or mandatory mid-period reports of income over the IRT.

(AR/CO) .52 An overpayment shall not be assessed for the month following a change in income over the IRT or household composition for an AU that does not include an eligible adult for the first through fifth months of a current semiannual reporting period if the recipient has reported the change and the county was unable, before the first of the month following the change, to provide 10-day notice of the termination or reduction of benefits.

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 2062 (Chapter 795, Statutes of 2016, Section 3).

Reference: Sections 11004 (Ch. 270, Stats. 1997), 11004.1, 11056, and 11265.1, 11265.3, and 11265.47, Welfare and Institutions Code; Section 37 of AB 444 (Ch. 1022, Stats. 2002); 45 CFR 233.20(a)(13); and Administration for Children and Families (ACF) Action Transmittals

(AT) 94-11 and 94-20; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].